

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA for the use of  
WALTHAM LIME & CEMENT COMPANY,  
Plaintiff,

v.

Civil Action No. 1:05-cv-10138 NG

PEABODY CONSTRUCTION CO., INC., ODF  
CONTRACTING CO., INC.  
COMPANIES, INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY OF  
AMERICA,  
Defendants.

**DEFENDANTS' ASSENTED-TO MOTION REQUESTING EXTENSION OF TIME  
TO RESPOND TO COMPLAINT OF WALTHAM LIME & CEMENT COMPANY**

Defendants Travelers Casualty and Surety Company of America ("Travelers") and Peabody Construction Co., Inc. ("Peabody") hereby move this Court for a two (2) week extension of time, through and including April 11, 2005, to file their response to the Complaint of Waltham Lime & Cement Company in the above-captioned proceeding. The requested extension is necessary to allow Travelers and Peabody the opportunity to further evaluate Waltham Lime's claims and prepare an appropriate response.

This is Defendants' first request for an extension with respect to this matter. Moreover, counsel for Waltham Lime assents to the relief requested herein.

WHEREFORE, Defendants respectfully request that this Honorable Court:

A. Grant Travelers and Peabody an extension of time, through and including April 11, 2005, to file their response to the Complaint of Waltham Lime; and

B. Grant such other and further relief as justice may require.

Respectfully Submitted,  
**TRAVELERS CASUALTY & SURETY  
COMPANY OF AMERICA**

By its attorneys,

/s/ Jonathan C. Burwood

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Bradford R. Carver, BBO #565396  
Jonathan C. Burwood, BBO #643674  
Cetrulo & Capone LLP  
Two Seaport Lane, 10<sup>th</sup> Floor  
Boston, MA 02110  
(617) 217-5500

Respectfully Submitted,  
**PEABODY CONSTRUCTION CO.,  
INC.**

By its attorneys,

/s/ Charles A. Plunkett

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Charles A. Plunkett, Esq., BBO #547714  
Vena, Riley, Deptula, LLP  
250 Summer Street, 2<sup>nd</sup> Floor  
Boston, MA 02210

Date: March 24, 2005

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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CONTRACTING CO., INC.  
COMPANIES, INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY OF  
AMERICA,  
Defendants.

**ORDER ON DEFENDANTS' ASSENTED-TO MOTION REQUESTING  
EXTENSION OF TIME TO RESPOND TO COMPLAINT OF  
WALTHAM LIME & CEMENT COMPANY**

Upon Travelers Casualty and Surety Company of America and Peabody Construction Co., Inc.'s Assented-to Motion Requesting Extension of Time to File Response to the Complaint of Plaintiff Waltham Lime and Cement Company (the "Motion") for good and sufficient cause, it is hereby ORDERED, ADJUDGED and DECREED that:

- A. The Motion is granted; and
- B. Travelers and Peabody shall respond to the Complaint on or before April 11, 2005.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Nancy Gertner, Judge  
United States District Court  
for the District of Massachusetts